

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

FILED
JUN 03 2010
By PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD JOSEPH SCHWINDT,

Defendant.

CR 10-1-M-DWM

FINDINGS & RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of escape from custody in violation of 18 U.S.C. 751(a) as set forth in the Indictment.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea,
2. That the Defendant is aware of the nature of the charge against him and consequences of pleading guilty to the charge,

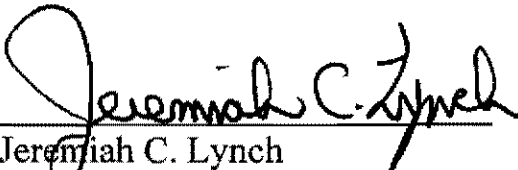
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights, by pleading guilty, and,

4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offense charged.

The Court further concluded that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of the sole count set forth in the Indictment, and that sentence be imposed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 3rd day of June, 2010.


Jeremiah C. Lynch
United States Magistrate Judge